

## **WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD**

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

### **Meeting Minutes**

**August 17, 2017**

The regular monthly meeting was held at the office of the Department of Land Preservation, 500 Mt. Pisgah Avenue, Oxford, New Jersey. The meeting was called to order by Vice-Chairman Baduini at 7:30 p.m. An announcement was read as required by the Open Public Meetings Act, N.J.S.A. 10:4-6-21.

Members present: Lou Baduini, Tim Bodine, Bradley Burke, Dave Dempski, Wendy Willever

Members absent: Jason Menegus, Joel Schnetzer

Others present: C. Tierney, T. Kaminski, Staff; Steve Gruenberg, Substitute County Counsel, Gary Pohorely, SADC; Peter Jansen, Harmony Township.

Vice-Chairman Baduini led the Pledge of Allegiance.

**Minutes** of the meeting held on July 20, 2017 were approved on a motion by Ms. Willever and seconded by Mr. Burke.

Roll Call: Mr. Bodine – yes; Mr. Baduini – abstain; Mr. Dempski – yes; Mr. Burke – yes; Ms. Willever – yes.

Motion carries.

**Correspondence:** Noted

**Public Input (Non-agenda Items):** Vice-Chairman Baduini opened the meeting for public comment.

**Old Business:**

#### **SADC Meeting regarding appraisals in PVCA**

Mr. Tierney stated that he and Mr. Bodine, along with Mr. Goldberg and Mr. Cooper (appraisers), met with Ms. Payne, Ms. Winzinger, Mr. Burns and Mr. Harris from the SADC to discuss the appraisal valuations for farms in the PVCA. Mr. Tierney suggested market sales be used, but the SADC doesn't believe that there are enough market transactions to make a determination. They would like to interview scientists and public officials and to ask developers their assessment of the land value. Mr. Tierney asked if the DEP data could be shared with the county and its appraisers. The SADC responded that it was confidential and would be for DEP to decide whether to share the data. Mr. Tierney suggested that the appraisers be allowed to consider differences in value between residential homes with and without POETs. SADC stated that speculative development market is different than single family residence value. Mr. Tierney agreed, but responded that the buyers, in making their own valuation and estimation of development potential, may likely consider whether there's a difference in values for residences. Vice-Chairman Baduini would like Mr. Tierney to draft a letter and have counsel review to send to the SADC to request the DEP data on the PVCA. The appraisers are preparing proposals for the analysis. Ms. Willever asked about the water units available. Mr. Tierney stated that the county and the municipalities would need to request additional service capacity from the water companies and DEP. Mr. Burke asked about the Federal funding for the pipeline hookup and Mr. Tierney stated that the hookup was for existing residences only and not to increase capacity for more service units.

#### **O'Dowd Auction Discussion and South farm status**

Mr. Tierney stated that they keep checking in but will not close unless they get the full amount.

#### **SADC Right-to-Farm Policy P2-A**

Mr. Tierney stated that the terms were ambiguous and vague. Ms. Willever made a motion seconded by Mr. Bodine for Mr. Tierney to draft a letter to the SADC with comments regarding the Right-to-Farm Policy P2-A regarding LLC proposals and for counsel to review. This policy deals with certain business entities appearing before the board on Right to Farm matters and whether they may be represented by non-attorneys when doing so.

Roll Call: Mr. Bodine – yes; Mr. Baduini – yes; Mr. Dempski – yes; Mr. Burke – yes; Ms. Willever – yes.

Motion carries.

**New Business:**

#### **Harmony Greenhouses, LLC, BL 34 L 4, Harmony Twp. Preserved Farm – Certification of Commercial Farm**

Peter Jansen owns BL 34 L 4 in Harmony Township and operates under Harmony Greenhouses, LLC. This application meets the eligibility criteria for Certification of a Commercial Farm which is: (1) Five or more acres, applicant supplied tax map, and; (2) \$2,500 annual income from agricultural and/or horticultural products which was provided by a 2016 Schedule F, and; (3) Satisfies the eligibility criteria

for differential property taxation pursuant to the Farmland Assessment Act of 1964, applicant provided Farmland Assessment Form (FA-1 Form), and; (4) Is located in an area in which, as of December 31, 1997 or thereafter, agriculture has been a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan.

Ms. Willever made a motion to justify the Certification of Commercial Farm for Harmony Greenhouses, LLC, owner Peter Jansen, BL 34 L 4, in Harmony Township. The applicant provided all the required documents for certification. Mr. Burke seconded the motion.

Roll Call: Mr. Bodine – yes; Mr. Baduini – yes; Mr. Dempski – yes; Mr. Burke – yes; Ms. Willever – yes.  
Motion carries.

**Pittenger, BL 1201 Lot 34, BL 1301 L 3, Frelinghuysen Township MUNI PIG Preservation Resolution #17-09**

With normal MUNI PIG Cost Share as follows: SADC Cost Share \$253,720.80 (\$2,620.80/acre), Warren County Cost Share \$52,293.60 (\$540/acre), Frelinghuysen Cost Share \$52,293.60 (\$540/acre), Total Cost \$358,308 (\$3,700/acre - CMV). This farmland application received a \$164,628 grant of up to 50% of the cost from the Highlands Council for open space/farmland preservation. With the Highlands Grant finalized and applied, cost share is as follows: SADC Cost Share \$193,680 (\$2,000/acre), Highlands Grant \$164,628 (\$1,700/acre), Warren County Cost Share \$0 (\$0/acre), Frelinghuysen Cost Share \$0 (\$0/acre), Total Cost \$358,308 (\$3,700/acre - CMV). There is an existing residential trailer on the premises which cannot be rebuilt or replaced if it is removed or destroyed, no ag labor housing units on premises to be preserved, one non-severable exception of 2 acres on BL 1201 Lot 34 for existing single family residence, barn and outbuildings restricted to one single family residential unit and one non-severable exception of 1.6 acres on Block 1301 Lot 3 for future single family residences restricted to on residential unit and no RDSOs allocated, no preexisting non-agriculture uses on premises and no proposed trails. An access easement for existing farm lane through property by neighboring residence on BL 1201 L 34.01 and other easements to be determined with title search. There are 27.5 tillable acres, which 21.75 acres are prime farmland soil. The farm is in hay production. The application is in the Planning Area.

Ms. Willever moved to support the Pittenger Farm MUNI PIG funding Resolution #17-09 as presented and to make a recommendation to the Freeholders which was seconded by Mr. Bodine.

Roll Call: Mr. Bodine – yes; Mr. Baduini – yes; Mr. Dempski – yes; Mr. Burke – yes; Ms. Willever – yes.  
Motion carries.

**Winery Special Occasion Events on Preserved Farmland Proposed New Rules NJAC 2:76-27**

This discussion will be tabled until the next meeting. Mr. Burke stated that the proposals weren't clear to him on whether it was making the CADB a punitive organization. Mr. Tierney stated the SADC would collect the fees. Mr. Burke asked if the SADC was setting itself up as authority to propose fines. Mr. Tierney stated that the penalty is in the statute. Mr. Tierney stated that this policy was to grant wineries special events on preserved land that did not have an exception area.

**Administrator's Report:** Mr. Tierney went over the important matters.

**New Applications:**

*County Applications*

- **Claeysens** – Liberty Township (Approx. 100 acres) Does not meet minimum eligibility requirements. Landowner stated that more acreage has been cleared. Will require a site visit. Currently has an application with Highlands Council.
- **DeLorenzo** – Blirstown & Knowlton Townships (Approx. 57.07) Checking on tillable acreage. Asked landowner about adding another lot.
- **Haydu** – Harmony Township (Approx. 46 ac.) Not currently on our target list because it is made up of 6 smaller lots. CADB approved MUNI PIG Transfer at last meeting, but Joe Haydu would like it to stay a County PIG and it is on hold.
- **Hoffman-LaRoche** – White (Approx. 93 ac.) On hold pending review of sludge removal letter.
- **Noel** – Franklin Township (Approx. 44 ac.) On hold pending PVCA review.
- **The LaBarre Family Limited Partnership** – Knowlton & Hope Townships (Approx. 107 ac.) Brenda James verified transfer to County Application.

**Total Applications: 6                      Total Acres: 447**

*Municipal Applications*

**Total Applications: 0                      Total Acres: 0**

*Non-Profit Applications*

- **Heeres** – Harmony Twp. (Approx. 67 ac.)
  - **Hensler** – White Twp. (Approx. 40 ac.)
- Total Applications: 2                      Total Acres: 107**

**Awaiting Green Light Approval:**

*County Applications*

- **Shandor** – Harmony Township (Approx. 100 ac.)

**Total Applications: 1                      Total Acres: 100**

*Municipal Applications*

**Total Applications: 0                      Total Acres: 0**

Received Green Light Approval:

*County Applications*

**Total Applications: 0                      Total Acres: 0**

*Municipal Applications*

- **Mazza – Knowlton** (Approx. 21 ac.)  
**Total Applications: 1                      Total Acres: 21**

Preliminary Approval:

*Non-Profit Applications*

- **Shoemaker I** – White Twp. (Approx. 115 ac.) CMV rcvd (\$5,650) Under contract review.
- **Tjalma II** – Harmony Twp. (Approx. 61 ac.) CMV rcvd (\$4,900) Landowner considering offer.  
**Total Applications: 2                      Total Acres: 176**

Received CMV & Offer Made:

*County Applications*

- **O'Dowd (Water St.)** – Greenwich (Approx. 20 ac.) CMV \$4,500. On hold depending O'Dowd South CMV possible revision.  
**Total Applications: 1                      Total Acres: 20**

*Municipal Applications*

- **Conti** – Knowlton (Approx. 280 ac.) CMV \$3,750. Received signed contract.
- **DeBoer** – White Twp. (Approx. 56 ac.) CMV \$5,100. Landowner reviewing contract.
- **Nonnenmacher #1** – Blairstown (Approx. 106 ac.) CMV \$3,100. Offer made to landowner. Applied for Federal funding.
- **Nonnenmacher #2** – Blairstown (Approx. 17 ac.) CMV \$5,000. Offer made to landowner. Applied for Federal funding.
- **Pittenger (Dark Moon)** – Frelinghuysen (Approx. 92 ac.) CMV \$3,700. Received Highlands Grant. On CADB, Freeholder & SADC Agenda for final funding approval.  
**Total Applications: 5                      Total Acres: 551**

*Non-Profit Applications*

- **Murlan Farm** – Frelinghuysen Twp. (Approx. 251 ac.) CMV \$4,000. Landowner considering offer.
- **Shoemaker II** - White Twp. (Approx. 12 ac.) CMV \$5,000. Under contract review.
- **Tjalma III** – Harmony Twp. (Approx. 36 ac.) CMV \$1,700. Landowner considering offer.

**Total Applications: 3                      Total Acres: 299**

Under Contract (Title Search & Survey):

*County Applications*

- **Burke/Dinsmore Farm #1** – Harmony Twp. (Approx. 81 ac.) CMV \$3,500. Final Surveys Received.
- **Burke/Dinsmore Farm #2** – Harmony Twp. (Approx. 18 ac.) Revised \$7,800. Final Surveys Received.
- **O'Dowd Farm (South) #3** – Greenwich & Franklin Twps. (Approx. 119 ac.) Provided revised CMV to landowner. Fee simple draft survey received.
- **Smith, John & Jean #1** – Harmony/White Twp. (Approx. 82 ac.) CMV \$4,600. Subdivision resolution received. Inspection performed.
- **Smith, John & Jean #2** – Harmony (Approx. 36 ac.) CMV \$6,000. Subdivision resolution received. Highlands Council has issue with exemption on this property, trying to get a waiver for the HPAA permits. Inspection performed.  
**Total Applications: 5                      Total Acres: 336**

*State Applications*

- **Santini/Resnick** – Pohatcong Twp. (Approx. 84.5 ac.) CMV \$4,400. Surveys received. County and DOT have concerns regarding easement.
- **Santini/Chambers** – Pohatcong Twp. (Approx. 56 ac.) CMV \$3,000. Surveys received.  
**Total Applications: 2                      Total Acres: 140**

*Municipal Applications*

**Total Applications: 0                      Total Acres: 0**

Waiting to Close (Final Legal Review):

*County Applications*

- **Apple Mountain**– White Twp. (Approx. 65 ac.) CMV \$3,900. SADC Preliminary review. Applicant applied for driveway permit. Title issue has been resolved. CADB voted to fund 100% and then seek reimbursement from SADC for development easement. Request made for final surveys.
  - **Unangst** – White Twp. (Approx. 85 ac.) CMV \$3,625. Inspection performed. Estate issues being worked out.
- Total Applications: 2            Total Acres: 150**

*Municipal Applications*

- **Ardia (High Acres) Farm** – Blairstown Twp. (Approx. 121 ac.) CMV \$4,800.
  - **Buckaloo View (Maertens)** – Hope Twp. (Approx. 22 ac.) CMV \$4,200. Received final survey. Working on mortgage subordinations.
  - **Murphy Farm** – Frelinghuysen Twp. (Approx. 206 ac.) CMV \$4,800. Received draft survey. Working on mortgage subordinations.
- Total Applications: 3            Total Acres: 349**

*Non-profit Applications*

- **K-J Farm** – Harmony Twp. (Approx. 60 ac.) Revised CMV \$3850, was \$3,175 on 100+ acres. Received draft survey. Lawsuit resolved. Conducted revised appraisals rcvd revised cert (\$3,850) new easement acreage (with new 40 acre severable exception) is ~59.665 acres.
- Total Applications: 1            Total Acres: 60**

Recent Closings:

- None

Pohatcong Contamination Area Projects:

SADC restrictions and conditions for appraisals:

- **Hart Farm #1** – Franklin Twp. (Approx. 113 acres) Received Federal Funding Grant. Received appraisals. Landowner stated not enough money, but is reviewing options. Awaiting SADC/DEP response regarding groundwater.
- **Hart Farm #2** – Franklin Twp. (Approx. 267 acres) Received Federal Funding Grant. Received appraisals. Landowner stated not enough money, but is reviewing options. Awaiting SADC/DEP response regarding groundwater.
- **Myers/Toretta** – Franklin Township (Approx. 38 acres) Awaiting SADC/DEP response regarding groundwater to do appraisal..

Received CMV & Offer Made:

- **Crouse, Carl** – Washington Twp. (Approx. 90 ac.) Estimated CMV \$6,244 removal of two lots. Received Federal Funding Grant. Awaiting SADC/DEP response regarding groundwater.

Under Contract (Title Search & Survey):

- **Smith, Skip #2** – Franklin Twp. (Approx. 22 ac.) CMV \$5,500. Received Federal Funding Grant. Awaiting SADC/DEP response regarding groundwater.
- Total Applications: 4            Total Acres: 492**

Other

**Public Comment**

Mr. Pohorely stated that he was retiring in January and the Board congratulated him.

Mr. Jansen asked if being a certified organic farm in the PVCA would have any bearing on the valuation and water quality. Mr. Tierney stated that was a good point.

Hackettstown High School

A copy of the NJ Board of Agriculture letter to the Hackettstown Board of Education urging that the FFA program be reinstated was provided to the Board. Mr. Baduini asked Mr. Burke if he knew that the Warren County Board of Agriculture was going to send a letter as well. Mr. Burke stated that Mr. Jones had said that he would prepare one.

**Adjournment:** A motion for adjournment was made by Ms. Willever and seconded by Mr. Dempski. Motion carries. Vice-Chairman Baduini adjourned the meeting at 8:44 pm.

Respectfully submitted,

  
Teresa Kaminski